

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF HEALTH

In the Matter of the Appeal of J.O.
Concerning Maltreatment and
Disqualification

PROTECTIVE ORDER

Upon the request of the Minnesota Department of Health, and pursuant to Minn. Stat. §§ 626.557, subds. 5(d) and 12b; 13.03, subd. 6; and 14.60, subd. 2, it is ordered that:

1. Disclosure of not public data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses.

2. Parties, counsel, employees assisting counsel, representatives and witnesses may not disclose any data encompassed by this order to persons other than those mentioned in paragraph one above, and must return all data released pursuant to this order to counsel for the Department of Health at the conclusion of this matter.

3. The following data is considered to be private data pursuant to Minn. Stat. § 626.557, subd. 12b:

- (i) the name of the vulnerable adult;
- (ii) the identity of the individual alleged to be the perpetrator;
- (iii) the identity of the individual substantiated as the perpetrator; and
- (iv) the identity of all individuals interviewed as part of the investigation.

Other data on individuals maintained as part of an investigation under this section are private data on individuals upon completion of the investigation.

4. Notwithstanding Minn. Stat. § 13.46, subds. 3 or 4(e), data identifying victims or witnesses who are vulnerable adults shall not become public data by virtue of having been submitted to this proceeding and shall remain not public after the

conclusion of this hearing. In preparation for and during the hearing, the parties may refer to names of individuals involved and will have access to documents containing private information. The Administrative Law Judge's Recommendation and the Commissioner's Order shall use non-identifying initials or aliases in place of the names of any alleged victims and witnesses who are vulnerable adults.

5. The parties shall mark any documents containing private data substantially as follows: "This document contains not public data and is subject to a protective order." The hearing record will be sealed as necessary to protect data that is not public. The hearing in this matter is closed. If a transcript is ordered, private data on individuals will be redacted and replaced by non-identifying initials or aliases.

6. The data encompassed by this order may be used only in this proceeding and not for any other purpose including collateral litigation, unless otherwise ordered by a court of law.

7. This Protective Order does not authorize the disclosure of the identity of reporters of maltreatment under Minn. Stat. § 626.557, subd. 12b(c).

Dated this 31st day of March, 2005

Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge